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## Appeal Decision

Site visit made on 25 February 2020 by Elizabeth Davies BSc (Hons) PIEMA

**Decision by Andrew Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 March 2020**

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**Appeal Ref: APP/A2280/D/19/3240613**

**Avon, 16 Hurstwood, Horsted, Chatham ME5 0XJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Eki Olayinka against the decision of Medway Council.
  - The application Ref MC/19/0906, dated 22 March 2019, was refused by notice dated 28 August 2019.
  - The development was originally described as conversion of garage into two rooms with shower and second story building on top with another two rooms.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matter

3. The development is already in place and the appeal has been considered on this retrospective basis.

### Main Issues

4. The main issues in the appeal are:
  - The effect of the development on the character and appearance of the street scene and surrounding area; and
  - The effect of the development on the living conditions of the occupiers of 18 Hurstwood with regard to outlook.

### Reasons for the Recommendation

#### *Character and Appearance*

5. The appeal property is a semi-detached dwelling located on a residential road. The neighbouring properties are also semi-detached dwellings with a similar style and scale to the appeal property. There is a narrow footpath running between the appeal property and No 18 Hurstwood (No 18).
6. The gaps between the properties on Hurstwood are generally small, with many of the dwellings featuring garages or side extensions, including two storey

extensions, built up to the side boundaries. The extension at the appeal property has been built up to the property boundary and results in a two-storey development. However, due to the shape of the site; being narrower at the front than the back, the development gives the impression of being shoehorned into this constrained part of the site. Furthermore, when seen from the footpath located along the side of the property, the bulk of the extension, including a visually dominant and blank two-storey wall, appears imposing from such close range.

7. The extension features a prominent roof dormer on the front elevation. The dormer appears incongruous and out of place in relation to the style of the other first floor windows on the dwelling giving it an unbalanced appearance when viewed from the front. The materials used to construct the dormer and roof of the extension do not match those used in the existing dwelling and appear incompatible, which further detracts from the appearance of the property. Front dormers do not appear to be a common feature on the dwellings on Hurstwood and it is therefore also out of keeping with the style and design of neighbouring properties.
8. I therefore conclude that, for the above reasons, the proposed development has a harmful effect on the character and appearance of the street scene and is contrary to Policy BNE1 of the Medway Local Plan (adopted May 2003) (the 'Local Plan') and the National Planning Policy Framework (NPPF) which seek, amongst other things, to ensure development is appropriate in relation to the character and appearance of the environment in terms of scale, mass, proportion, layout and siting and respects the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area.

#### *Living Conditions*

9. No 18 is located next to No 16, but is set further back and the orientation of the dwellings means that the development extends across the front of the ground floor windows of No 18. Whilst the properties are separated by a narrow footpath, the two-storey height of the extension has substantially increased the scale of built form and resulted in No 16 projecting closer to No 18 at first floor level and appearing dominant in views from that property. On this basis, I consider that the scale, positioning and close proximity of the extension to No 18 has an imposing and oppressive impact that causes unacceptable harm to the outlook from No 18.
10. I have noted the comments from the occupiers of No 18 and the suggestion that the extension be painted to reflect light back into their property, but I do not consider that this measure would be sufficient to mitigate the harm to their, or future occupiers, outlook.
11. I therefore conclude that the proposal is harmful to the living conditions of the occupants of No 18, contrary to Policy BNE2 of the Local Plan and the NPPF, which seek, amongst other things to ensure development protects amenities enjoyed by nearby and adjacent properties.

#### **Other Matters**

12. Whilst I sympathise with the position the appellant finds themselves in due to alleged mis-representation from their builder that the extension had been

granted planning approval, this consideration does not lend any positive weight to the development.

**Conclusion and Recommendation**

13. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

*Elizabeth Davies*

APPEAL PLANNING OFFICER

**Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Andrew Owen*

INSPECTOR